

Information on Paying Overtime HB 1548 – RSMo 105.935

September 1, 2004

The state of Missouri provides compensatory time at time and one-half for hours worked over 40 in a work week. The state also provides compensatory time on an hour for hour basis for holidays worked and for hours in pay status over 40 in a work week.

(Employees in law enforcement and corrections positions may have a different work schedule for the calculation of overtime at time and one-half.)

RSMo 105.935 provides non-exempt employees with the option of maintaining compensatory time or being paid for accumulated compensatory time. A number of questions have arisen about the implementation of this legislation.

The legislation gives employees the option of being paid for their comp time or of maintaining a balance of up to 80 hours of comp time. The legislation provides agencies the opportunity to estimate the appropriations necessary to pay overtime before the payments begin. Also, a payment process is outlined in the legislation.

The legislation is effective August 28, 2004. The payment of overtime begins January 1, 2006. This will provide agencies the opportunity to request the appropriations to make the payments. The payments effective January 1, 2006 apply to overtime earned the previous calendar year (CY 2005). Agencies may pay down balances below 80 prior to this date, if the funds are available. Effective January 1, 2006 agencies will begin to pay the total comp time balances down to at least 80 hours, or less, if the employee requests payment for those hours.

The payment process is for an employee to request payment in writing for a minimum of twenty hours of comp time. The payment will need to be made in the calendar quarter following the request. Each agency is working on a payment process that will work effectively for their agency while complying with the legislation.

Questions concerning how the process will be implemented in each agency can be directed to the agency Human Resource office.

